

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA
Plaintiff

VS.

COMMONWEALTH OF PUERTO RICO ET AL.
Defendant

CASE #: 3:12-CV-2039 (GAG)

Minutes of proceedings held on 10/16/2020

A virtual in camera status conference was held today between the undersigned and the parties' counsel, monitor and special master team members. The same commenced at 10:00 am and concluded at 11:40 am. The matters in the agenda at Docket No. 1595 were all thoroughly addressed and discussed seriatim.

1. The Gap Analysis Study Proposal was interrupted by the Covid 19 pandemic. The parties will pick up their monthly meetings. Following the next meeting, roughly in a month, the parties will submit to the Court a new timeline.

2. PRPB submitted the translated version of its recent Paragraph 261 self-assessment for the period of April-September 2020. USDOJ and monitor are in the process of reviewing and commenting.

3. Ms. Denise Rodríguez will join the monitor office on October 19, 2020 as the Chief Deputy TCA (Monitor). A separate order shall issue. As of now, the TCA Office is fully staffed with the exception of the investigator position.

4. A discussion was held about the role and collaboration of the National Guard (as well as other commonwealth agencies) in assisting PRPB by way of MOU or law. There is consensus — consistent with the several court orders on the matter — that whenever any arm of the Commonwealth conducts traditional law enforcement activity in a role supportive to PRPB, the Reform Agreement applies. USDOJ further pointed out that the United States Constitution continues to apply even during emergencies. Accordingly, the undersigned instructed counsel for PRPB to remind it and DPS of this.

5. The Monitor informed he will be submitting CMR-2 to the parties next week. His team is now working on CMR-3.

6. A discussion was held about the proposed/draft PRPB Promotions Policy for the ranks of inspector to coronel. The Court reminded all that, as per its recent order, and consistent with the Reform Agreement, no such promotions will be carried out until: (1)

PRPB, DSP and the Governor or her personal representative all agree to one single policy; (2)USDJ, Monitor and Special Master all have adequate time to revise the same and comment on it. Moreover, (3) once approved, the promotions process itself will also be subject to monitoring to ensure compliance therewith. In sum, this is a process that, notwithstanding the need to make promotions, will indeed take time and cannot be rushed.

The Court will set a further status conference in late November or early December. By that time the parties will submit to the Court a proposed Transition Order similar to that issued in prior election years. The undersigned will continue to track and monitor Puerto Rico's Covid 19 data to determine when live monitoring will resume.

So Ordered.

S/ GUSTAVO A. GELPI
Gustavo A. Gelpi
U.S. District Judge